

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>SCOTT G. PANTER AND LISA M. BONILLA PANTER,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 67107</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on February 25, 2016, Debra A. Baumbach and Diane M. DeVries presiding. Scott Panter appeared *pro se* on behalf of Petitioners. Respondent was represented by Casie Stokes, Esq. Petitioners are protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**3017 Depew Street, Wheat Ridge, Colorado
Jefferson County Schedule No. 300021451**

The subject property consists of a custom built single family residence located four blocks west of Sheridan Boulevard and one block south of 32nd Avenue. It is an area of predominately ranch style homes of below average to average quality built between 1910 and 1945. There are a few two-story and one-and-a-half story homes in the neighborhood that are also below average to average quality.

The subject property is a custom single family home of good quality, two-story design, combination construction, built in 2006 on an in-fill lot. It has two bedrooms, one full and one three-quarter bath. It has 1859 square feet of living area on the first floor with a spacious open design. The second floor consists of 1688 square feet of living area which is a private master suite with an art studio. It has a 785 square foot attached garage, 171 square foot wood deck, 412 square foot covered patio, and two fireplaces.

Petitioners are requesting an actual value of \$450,000 for the subject property for tax year 2015. Respondent assigned a value of \$578,000 for the subject property for tax year 2015.

Petitioners presented eight comparable sales (Petitioners Exhibit 1) from the Jefferson County Assessor's website ranging in sale price from \$150,000 to \$530,000. Petitioner did not make any adjustments to the sales.

Mr. Panter stated that the quality designation of the subject property was changed from "average" to "good" for tax year 2015. According to Mr. Panter, there was no basis for the change in the quality designation. Based on the information from the Jefferson County Assessor's website, Mr. Panter believes that \$450,000 was a reasonable 2015 actual value.

Petitioners are requesting a 2015 actual value of \$450,000 for the subject property.

Respondent presented a value of \$598,000 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sale price from \$487,000 to \$530,000 and in size from 2558 to 3271 square feet. After adjustments were made, the sales ranged from \$560,700 to \$624,900.

Ms. Dorin Tissaw, Residential Appraiser with the Jefferson County Assessor's Office explained the quality designation methodology at the Jefferson County Assessor's Office. She testified that Jefferson County assigns quality ratings from one to six. one being the lowest quality home and six – the highest.

She testified that the quality designation of the subject property was changed from "three" to "four" due to the fact that she inspected the subject in 2013 and determined that the subject was of better quality compared to the neighboring properties. According to Ms. Tissaw, the subject is considered above average as compared to other properties in the area due to its stucco construction while majority of homes in the area are frame built. She further explained that she assigns quality "three" to spec homes cookie cutter homes and quality "four" to semi-custom homes which, similarly to the subject, were constructed with materials of above standard quality, interior and exterior.

Respondent assigned an actual value of \$578,000 to the subject property for tax year 2015.

Respondent valued the subject property in accordance with applicable Colorado State Statutes, Assessor's Reference Library, and case law using the sales comparison approach to value residential property. Respondent's comparable sales took place within the applicable data gathering period (Respondent's Sale One and Three) and one of Respondent's sales (Sale Two) took place within the extended base period. Respondent made appropriate time adjustments to the sales to account for the changing market conditions. The Board is convinced that Respondent's comparable sales and adjustments to those sales accurately represent the subject's 2015 value. Petitioners did not provide sufficient probative evidence to disprove Respondent's report.

The Board was not convinced by Petitioners' comparable sales analysis. Most of Petitioners' sales took place outside the base period and Petitioners did not make any adjustments to account for the difference in characteristics when comparing the sales to the subject property.

Petitioners' Sale One, which sold in April 2013 was a sale of a small home (\$150,000) that was scraped and a new home was built that later sold outside the base period for \$547,500.

Petitioners' Sale Two, sold twice within the extended base period. The first sale was of a small home which was scraped and a newly constructed home was sold on December 28, 2012 for \$400,000. This home is much smaller than the subject, however, Petitioners did not make any adjustments to account for the smaller size.

Petitioners' Sale Three was also used by Respondent (Respondent's Sale Two). Respondent made appropriate adjustments to this sale, while Petitioners did not make any adjustments.

Petitioners conceded that Sales Four, Five, Six and Eight took place outside the applicable statutory base period and did not address those sales at the hearing.

Respondent discussed Petitioners' Sale Seven stating that it sold on June 25, 2014 for \$185,000 which was a sale of a small home that was later scraped and then re-sold as a shell outside the base period for approximately 30-40% of its value.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2015.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Section 39-8-108(2), C.R.S.

DATED and MAILED this 10th day of March 2016.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Diane M. DeVries

Diane M. DeVries

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

Milla Lishchuk

Milla Lishchuk

